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SYKES, A EXAMINER

33M1/0526

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ART UNIT PAPER NUMBER

6
3305

DATE MAILED: 05/26/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 4/7/94 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6.

Part II SUMMARY OF ACTION

1. Claims 7-11 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims 1-6 have been cancelled.

3. Claims _____ are allowed.

4. Claims 7-11 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 7-11 are rejected under 35 U.S.C. § 103 as being unpatentable over Tan in view of Itzkan. The Tan reference discloses a laser treatment method for removing pigmentations, lesions and abnormalities from the skin by aiming a laser and delivering laser pulses. The Itzkan reference discloses a system for treating the same types of cutaneous vascular lesions in which psoriasis can also be treated (see column 5, lines 50-56). The Itzkan reference also teaches short irradiation times to prevent damage to normal tissue. In view of this teaching, it would have been obvious to one skilled in the art to further treat psoriasis using the Tan method and to provide short irradiation times to prevent unwanted tissue damage.

Applicant's arguments with respect to claims 7-11 have been considered but are deemed to be moot in view of the new grounds of rejection.

The Warshaw reference is cited as disclosing infrared treatment of psoriasis.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Sykes whose telephone number is (703) 308-2713.

ads

May 20, 1994

Angela D. Sykes

ANGELA D. SYKES
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